

# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) ( <i>if applicable</i> )	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	10. Abstract
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
NORTHEAST REGION SURVEY OF INTENT AND  
CAPACITY TO PROCESS FISH AND SHELLFISH  
OMB CONTROL NO. 0648-0235**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

The Fishery Management Plans for Surf Clams and Ocean Quahogs, and Atlantic Mackerel, Squid, and Butterfish include requirements that the National Marine Fisheries Service and/or the Mid-Atlantic Fishery Management Council annually survey domestic processors and joint venture operators to establish industry capacity to utilize Atlantic mackerel, Loligo and Illex squid, and butterfish.

If US industry is unable to utilize fully the allowed harvest of these species, this information is used in establishing suitable levels of catch for joint ventures and/or direct foreign harvest. This PRA submission requests OMB approval of the accompanying survey form. (It should be noted that this is not a sample survey -- it is a written survey of all known processors. The Council specifies the period as noted on the form.)

**2. Explain how, by whom, how frequently, and for what purpose the information will be used.**

This information is used by the Councils and the National Marine Fisheries Service (NMFS) to establish annual specifications under Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish; and to set levels for domestic annual harvesting (DAH) capacity and total allowable level of foreign fishing (TALFF) for the squid, mackerel and butterfish fisheries.

The written survey of squid, mackerel and butterfish processors contains questions concerning industry ventures involving foreign nations. These questions concern sales to joint venture operations, the possible effect of joint ventures on processing projections (JVP), changes in foreign nations interested in US sales, knowledge of foreign nation interest in the species concerned, opinions concerning changes in allowed levels of foreign fishing. The Council asks these questions to obtain information needed to prepare adequate analyses to respond to the questions raised during the discussion of issuance of JVP or TALFF allocations to foreign interests.

The Council had also expanded the survey to include questions about product availability, freezer/cold storage capacity, mackerel inventory, quality control, and future market conditions. These questions are also linked to the analysis of allocation levels, since the decisions concerning allocations to foreign interests require consideration of US industry intentions and capacity.

In addition, these data are useful in evaluating the economic impacts of alternative fishery management measures. These impacts may include the effect of regulations on percentage plant capacity utilized, changes in revenue distribution by gear type and port area, and effect on export marketing objectives.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

No improved information technologies have been identified to reduce burden.

**4. Describe efforts to identify duplication.**

The NMFS and Councils have queried the members of industry advisory panels and the personnel of state fisheries agencies to verify that this survey does not duplicate other efforts.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The survey requests a minimal amount of information to accomplish intended goals.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Collection of these data less often than once per year would not allow the management system to adjust harvest allocations during a fishing season, or to plan for the upcoming fishing year. The consequences could lead to economic inefficiency and biological waste, results that are contrary to the National Standards of the Magnuson Fishery Conservation and Management Act.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

This collection is consistent with OMB guidelines.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register Notice (copy attached) solicited public comment on this renewal. No comments were received.

Development of annual specifications is done through a public process subject to public meetings, hearings, and formal rulemaking procedures. The data collected by this survey is used to establish proposed specifications. Public comment is solicited during a public comment period. Comments and responses are published as part of a final rule implementing the annual specifications.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

There are no payments or gifts to respondents.

**10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

Section 402 of the Magnuson Stevens Fishery Conservation and Management Act (MSFCMA) provides statutory confidentiality to these data. The collection handling and disposition of these data comply with NOAA Administrative Order 216-100, Confidential Fishery Statistics.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No sensitive questions are asked.

**12. Provide an estimate in hours of the burden of the collection of information.**

See the Table below.

No. of Recipients	Hrs per Recipient	Total Hours	Cost to Public	Cost to Government
30	0.25	7.50	\$12	\$30

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.**

See table above. Cost to the public are for postage only.

**14. Provide estimates of annualized cost to the Federal government.**

See Table above.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This is a program change for reinstatement of an expired approval.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The results are not published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

The expiration date for OMB approval will be displayed.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

**Rics Savage**  
Chairman

**MID-ATLANTIC FISHERY MANAGEMENT COUNCIL**  
**ROOM 2115 FEDERAL BUILDING**  
300 South New Street  
Dover, Delaware 19901-6790  
302-674-2331  
FAX 302-674-5399

**Daniel Furlong**  
Executive Director

**Ronal Smith**  
Vice Chairman

**MID-ATLANTIC FISHERY MANAGEMENT COUNCIL**  
**PROCESSOR/DEALER SURVEY**  
OMB # 0648-0235, Exp. mm/dd/yy

Please complete the form for each species you process or sell or intend to process or sell. In order to minimize double counting, please report only quantities that you actually process, not quantities that you may purchase already processed for subsequent marketing. Please indicate whether quantities are in pounds or metric tons. Questionnaires will be considered confidential information and will not be released to other than Council staff except in statistical form so that individual responses cannot be identified. The survey will be used to aid the Council in recommending quotas for Atlantic mackerel, squid, and butterfish for the upcoming year. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

**Please return by \_\_\_\_\_.** Thank you.

	<u>Mackerel</u>	<u>Illex</u>	<u>Loligo</u>	<u>Butterfish</u>
Amount processed during the period _____:				
for the US market for human consumption	_____	_____	_____	_____
for the US market for bait	_____	_____	_____	_____
for export (including US processed part of any joint venture)	_____	_____	_____	_____
Amount to be processed during the period _____:				
for the US market for human consumption	_____	_____	_____	_____
for the US market for bait	_____	_____	_____	_____
for export (including US processed part of any joint venture)	_____	_____	_____	_____
If you are involved in joint ventures, how much over the side sales do you plan:				
during ( <u>specify period</u> )	_____	_____	_____	_____
during ( <u>specify period</u> )	_____	_____	_____	_____

What factors affected, or do you anticipate may affect, the quantities you projected processing in (specify period) (for example, joint ventures):

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Have foreign nations that you sold to in the past declined to purchase from you during (specify period)? If so, which nations:

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What statements (if any) have foreign nations made to you on their intentions to purchase product during (specify period)?

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**FOR SHORESIDE PROCESSORS:**

Did you get all the product you required in (specify period)? Yes \_\_\_\_\_ No \_\_\_\_\_

Did you get all the product you required in (specify period)? Yes \_\_\_\_\_ No \_\_\_\_\_

What is your freezer capacity in processed tons? \_\_\_\_\_

What is your cold storage capacity in processed tons? \_\_\_\_\_

Do you currently have frozen mackerel in inventory? Yes \_\_\_\_\_ No \_\_\_\_\_

Would you be interested in learning more about quality control for export processing? Yes \_\_\_\_\_ No \_\_\_\_\_

**FOR ALL RESPONDENTS:**

In your opinion, would sales potential be increased or decreased if directed foreign fishing is allowed? Why (cite examples if any)?

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Your views on the future of the following US product markets would be very helpful. Please check an entry to each question.

	<u>INCREASE</u>	<u>CURRENT LEVELS</u>	<u>DECREASE</u>
<b>ATLANTIC MACKEREL</b>			
US fresh market - food	_____	_____	_____
US frozen market- food	_____	_____	_____
US market - bait	_____	_____	_____
Export market - food	_____	_____	_____
Export market - bait	_____	_____	_____
<b>LOLIGO SQUID</b>			
US fresh market - food	_____	_____	_____
US frozen market- food	_____	_____	_____
Export market - food	_____	_____	_____
<b>ILLEX SQUID</b>			
US fresh market - food	_____	_____	_____
US frozen market- food	_____	_____	_____
US market - bait	_____	_____	_____
Export market - food	_____	_____	_____
Export market - bait	_____	_____	_____
<b>BUTTERFISH</b>			
US fresh market - food	_____	_____	_____
US frozen market- food	_____	_____	_____
US market - bait	_____	_____	_____
Export market - food	_____	_____	_____

Information supplied by:

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Return to Mid- Atlantic Fishery Management Council  
 Room 2215 Federal Building  
 300 South New Street  
 Dover, DE 19931-6790

or FAX: (302) 674-5399

This information will be used to determine annual Atlantic mackerel specifications. Completion of this survey is voluntary. Public reporting burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Richard Seagraves, Room 2115, 300 South New Street, Dover, DE 19904-6790. Section 402 of the Magnuson Stevens Fishery Conservation and Management Act provides statutory confidentiality to these data. The collection handling and disposition of these data comply with NOAA Administrative Order 216-100, Confidential Fishery Statistics. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

**SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853**

**95-354, 99-659, 101-627, 104-297**

**(a) REQUIRED PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to,

*Application accepted by Commissioner of Customs: April 13, 2001.*

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 01-10858 Filed 4-30-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042601B]

#### Survey of Intent and Capacity to Process Fish and Shellfish

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed information collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before July 2, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to George Darcy, Assistant Regional Administrator, Sustainable Fisheries Division, 1 Blackburn Circle, Gloucester, MA, 01930, (978) 281-9331, fax (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Fishery Management Plans for Atlantic Surf Clams and Ocean Quahogs, and Atlantic Mackerel, Squid, and Butterfish include requirements that the National Marine Fisheries Service and/or the Mid-Atlantic Fishery Management Council survey domestic processors and joint venture operators annually to establish industry capacity to utilize the managed species.

A survey, described in the squid, mackerel and butterfish regulations at 50 CFR 648.21(b), is used to establish the intent and capacity of the U.S.

industry to utilize allowable harvest in a given year. If the U.S. industry is unable to fully utilize the allowed harvest of Atlantic mackerel, the excess may be used in establishing levels of catch for joint ventures and/or direct foreign harvest.

A survey, required under the surf clam and ocean quahog regulations at 50 CFR 648.7(a)(3)(ii), is used to obtain data for use in monitoring present processing activities and estimating future production at the processing plant level.

Both annual surveys seek information concerning the annual capacity to process these species; the historical amount of product processed; and the quantity of product to be processed in the future.

##### II. Method of Collection

Telephone surveys are used for the surf clam/ocean quahog fishery, and paper forms are used for the Atlantic mackerel, squid, and butterfish fisheries.

##### III. Data

*OMB Number:* 0648-0235.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 54.

*Estimated Time Per Response:* 5 minutes per report for the surf clam/ocean quahog fishery, 15 minutes per report for other fisheries.

*Estimated Total Annual Burden Hours:* 10.

*Estimated Total Annual Cost to Public:* \$19.

##### IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 25, 2001.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 01-10787 Filed 4-30-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042601C]

#### Surf Clam/Ocean Quahog Transfer Log

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed information collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before July 2, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to George Darcy, Assistant Regional Administrator, Sustainable Fisheries Division, 1 Blackburn Circle, Gloucester, MA, 01930, (978) 281-9331, fax (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Persons holding Individual Transferable Quotas (ITQ) in the surf clam/ocean quahog fishery are annually issued an allowable quota for harvest. Individual allocations may be transferred to other fishermen, but the ITQ holder must register such a transfer with NOAA in advance. The information is used by NOAA for enforcing the quotas.

##### II. Method of Collection

A paper form is used for each transfer.

##### III. Data

*OMB Number:* 0648-0238.